

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
SOUTHEASTERN DIVISION**

MAXIE JOE MCADOO, JR.,

Plaintiff,

v.

DAVID SNYDER, et al.,

Defendants.

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No. 1:22-cv-00147-JMB

**MEMORANDUM AND ORDER**

This matter is before the Court upon plaintiff Maxie Joe McAdoo, Jr.'s motion to reopen this action. For the reasons discussed below, the motion will granted.

Plaintiff initiated this action on October 27, 2022 by filing a civil rights complaint pursuant to 42 U.S.C. § 1983. At that time, he was a defendant in an underlying state court criminal case arising out of the same incident. Plaintiff alleged he was illegally seized, a police report had been falsified, and his truck was illegally searched. Following initial review, the Court entered an order staying the action as to plaintiff's claims pursuant to the principles dictated in *Wallace v. Kato*, 549 U.S. 384 (2007).

In the instant motion, plaintiff advises that his state court criminal case was voluntarily dismissed by the prosecution on January 23, 2023. Because the underlying criminal case has concluded, the Court will grant plaintiff's request to reopen this action.

The Court will order plaintiff to file an amended complaint on a Court-provided form, which the Court will enclose. Plaintiff shall state the disposition of his underlying case and attach as exhibits any documents he has from the state court in *State v. McAdoo*, No. 20-WY-CR0054-01 (Wayne Cty. Cir. Ct. 2020). Plaintiff is advised that his amended complaint will replace the

original complaint. *See In re Wireless Tele. Fed. Cost Recovery Fees Litig.*, 396 F.3d 922, 928 (8th Cir. 2005).

Accordingly,

**IT IS HEREBY ORDERED** that plaintiff's motion to reopen is **GRANTED** and the Clerk of Court shall reopen this case. [ECF No. 10]

**IT IS FURTHER ORDERED** that the Clerk of Court shall mail to plaintiff a blank Prisoner Civil Rights Complaint form.

**IT IS FURTHER ORDERED** that, within thirty (30) days of the date of this Memorandum and Order, plaintiff shall file an amended complaint in accordance with the instructions set forth above.

**If plaintiff fails to timely comply with this Memorandum and Order, the Court will dismiss this action without prejudice and without further notice to plaintiff.**

Dated this 31st day of May, 2023.

/s/ John M. Bodenhausen  
JOHN M. BODENHAUSEN  
UNITED STATES MAGISTRATE JUDGE